

Nuancing Maritime Security Governance in The Straits of Malacca: A Comparative Analysis on Indonesia, Malaysia, and Singapore

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Abstract

Indonesia, Malaysia, and Singapore are littoral states of the Straits of Malacca (SOM), the world's busiest waterway connecting the Indian and Pacific oceans, with around 80,000 ships passing through this route annually. While maritime security governance of this waterway is a serious concern especially to those states, their responses to it has differed particularly in regard to three security mechanisms: the Proliferation Security Initiative (PSI), the Malacca Straits Patrol (MSP), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). The states' approaches can be viewed primarily through the lens of sovereign interests, economic interests, and legal obligations. In addition, the role of institutions appears as an intervening factor influencing their responses. This article first analyses maritime security governance and examines why it has garnered much attention in contemporary international relations. Second, it assesses the importance of the SOM as a strategic location, a critical trading route since ancient times, as well as the value it holds for international shipping. Third, it examines the littoral states' responses to maritime security governance, focusing on the factors influencing them. The article finds that their responses to external power security initiatives differ compared to the indigenous security mechanism in the SOM. Despite that, the underlying theme among the three states is to uphold their obligations as coastal states as provided under UNCLOS and in cooperating with each other and international users, though several caveats do seem to also apply.

Keywords: Governance; Straits of Malacca; Maritime Security; Littoral; UNCLOS

Introduction

This article examines the different responses to maritime security governance in the Straits of Malacca (SOM) by its littoral states of Indonesia, Malaysia, and Singapore in regard to three security mechanisms i.e., the Proliferation Security Initiative (PSI), Malacca Straits Patrol (MSP), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). The patterns of such governance between 1990 to 2022 clearly illustrate their distinctively different approaches.

Although the three littoral states affirm their commitments to security in the SOM, not all accept the PSI and ReCAAP as governing mechanisms for that purpose. This is perplexing because

such threats also exist along other strategic waterways as in the boarding of the cruise vessel *Achille Lauro* which led to the drafting of a convention on maritime terrorism.¹ Other incidents include the attacks on the *USS Cole* and the oil tanker *Limburg* that heightened security initiatives among governments in the maritime sector.²

Similarly, piracy and armed robbery at sea are significant problems in the SOM which the littoral states agree cannot be handled individually and require efforts from law enforcement agencies, international organizations, shipping industries, and private entities. Despite this acknowledgement, two internalised security mechanisms, the PSI and ReCAAP, are not accepted by all the three states. In this regard, it is clear that security cooperation among the nations have to take into account sensitive issues such as their sovereign, economic, and legal interests. Why have the three littoral states of the SOM adopted differing approaches in maritime security governance? How have the variables on those interests influenced their governing approaches?

Maritime Security Governance

Maritime security governance of a strategic strait is unique. It is a complex exercise for coastal states in particular to have control over adjacent offshore resources, navigational rights and maintaining access to commercial and military vessels passing through the waterway. Navigation through strategic waterways have presented distinct sets of issues since vessels began plying the seas and is strongly influenced by interactions between the sovereign states bordering them.³

For instance, the United States and other maritime powers resisted efforts to allow extended fisheries zones fearing they would limit navigational freedoms.⁴ The resistance was visible during negotiations on the United Nation Convention on the Law of the Sea 1982. Even after 40 years of UNCLOS, the debate on freedom of navigation, in particular the passage of nuclear-powered submarines through key strategic straits and archipelago waters, remain as seen when the United States, United Kingdom and Australia announced their Tri-Lateral Security partnership (AUKUS) in March 2023.

This article focuses on maritime security governance in the SOM for three reasons. First, the SOM, and the Southeast Asia region where it is located, is a conduit for transportation and exchanges in the global trading system and is of vital importance for maritime trade and navigation in general. Second, the region hosts vital components of international sea lanes of communication (SLOCs) in the Asia Pacific and the Indian Ocean.⁵ and is inevitably factored in any strategic thinking. Third, maritime security governance in the SOM involves several actors such as its littoral states, its users, and industry.

Straits of Malacca as a Major Maritime Route

The literature review clearly shows the strategic location of the SOM as the most important waterway between the East and West. Scholars adopt a number of terms in reference to the SOM. Thompson Sien and Raymond use the term Malacca Straits, Hussin and Arshad⁶ refer to it as the Straits of Malacca and Singapore Straits, and George⁷, Beckman⁸ Koh⁹ and Bateman¹⁰ use Malacca and Singapore Straits. For this study, the term Straits of Malacca is adopted as it commonly refers to the Strait of Malacca and Singapore.

Archaeological findings from as early as the 3rd AD show the Straits of Malacca hosting Malay ports in Southeast Asia known as Takuapa or Langkasuka. Scholars like Kenneth R. Hall and David Whitmore provide that “the isthmus Port of Takuapa was located well within Mon coastal shipping.”¹¹ Reference to the Port of Takuapa or Kadaram was made in Chola’s expedition and show

his footprints in Southeast Asia. Hall also states that the Kedah coast was more strategically located to be part of commerce in the Malacca Straits. Further, notes that the SOM derives its “enduring importance” both as a sophisticated political and economic state.¹²

More specifically, archaeological records from the National Heritage Department, Malaysia provide that the importance of the SOM dates back to the remnants of the iron industry. These artifacts were identified at Lembah Bujang, Kedah as early as 535 BC based on the writings of two Muslim scholars namely Al-Kindi and Al-Biruni, who provide evidence of fine quality swords said to originate from Yemen and India to Qalai (Kalah - the Arabic name for Lembah Bujang).¹³

Additionally, the discovery of the Sungai Batu complex in Lembah Bujang offers that an iron industry existed, and it had a smelting trade since 788 BC, the earliest records found in Malaysia or even in Southeast Asia. These archaeological findings, indicate that the SOM played a prominent role in history as a maritime trading route.¹⁴ The existence of such findings and artifacts along the small coastal trading centres along the SOM also establishes Malaysia as an active centre for trade and exchanges of commerce between the Malays and traders from the Middle East, India, Sri Lanka, and China.

Prehistoric records from the early first millennium AD show the SOM as a trading centre. It was a collecting centre along the inland riverine and coastal areas and included among others, Kampung Sungai Lang, and Kelang on the west coast of the Malay Peninsula. These centres were connected and had commercial interactions with mainland Southeast Asia. Apart from being a centre for trade, the SOM was also a major water transportation route.

Historical references to Srivijaya’s dominance in Southeast Asia (SEA) are plentiful. The greatness of the Srivijaya empire is seen to begin from as early as 683-1377 AD, and by the 8th century it had become a maritime power in SEA¹⁵. Further, Srivijaya opened the SOM as early as in the 7th century.¹⁶ His *Evolution of Malaysia’s Maritime Aspirations* from the historical context alludes that Srivijaya monopolised trading activities along the SOM.¹⁷ The empire had its capital in Palembang, Sumatera enabling its control over the SOM. By the 1100s, Srivijaya controlled points as far east as parts of the Philippines. In addition, Malacca was an important port of call for traders and sailors including China’s Admiral Zheng He and early Portuguese explorers such as Diogo Lopes de Sequeira.¹⁸

Several towns and coastal ports also served as exchange ports or entrepôts.¹⁹ These flourished in the early first millennium AD primarily due to their strategic locations between the east and west maritime routes and where natural harbours complete with warehouses that were very much needed for merchants awaiting changes in the monsoon winds. During inter-monsoon waiting periods the traders also engaged in economic activity with local businesses which contributed towards the development of popular port-cities along the SOM. As such, the coastal areas along the Straits emerged as the most favoured for traders as well as the most convenient trading routes between the Arabian Peninsula, Persia, and the Middle East.

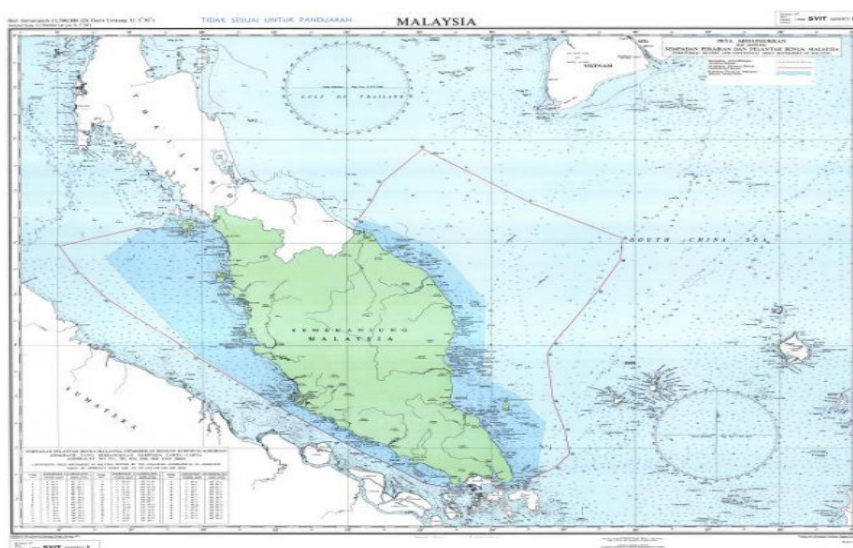
An Empirical Analysis on the Littoral States

Notwithstanding the historical context, the geographical aspects of the SOM continue to feature significantly in contemporary discussions. It has seen increasing volumes of oil flows over the years, reaching 16 million barrels per day in 2016. It also retained its position as the second busiest transit chokepoint in the world.²⁰ Additionally, a report by UNCTAD noted that 41% and 61% of total goods loaded and unloaded worldwide in 2018 respectively, originated from and were received by Asia.²¹ This is magnified by the significant increase of shipping movements in the SOM since 2001. It was reported that an average of 84,403 ships traversed the narrow waterway annually between 2017-

2019.²² The international trade that it facilitates and its contribution to the economic, social, and cultural lives of the littoral states is immense. The following section focuses on the significance of maritime security governance in SOM to its littoral states of Malaysia, Indonesia, and Singapore.

Significance to Malaysia

Much discussion on SOM alludes to Malaysia's strategic geographical position in the center of Southeast Asia and an emerging middle power in terms of influence and governance. Its areas of vital interest are encapsulated in the Peta Baru Malaysia 1979 (see Map 1) across the South China Sea, the Straits of Malacca, the Sulu and Celebes Seas, and the Indian Ocean. Malaysia's EEZ and its continental shelf surrounding the South China Sea also fall within her offshore economic interests. The SOM, the sea lanes of communication (SLOCs) adjoining the South China Sea and the airspace above are strategic areas critical to the nation's lifeline and its defense and security.



Map 1: Adopted from the Department of Mapping Malaysia
Sources: Directorate, National Mapping, Malaysia 1979.

Of more recent interest, the Defence White Paper provides that Malaysia shares borders with vast Southeast Asia and is central in colonial legacy in the region.²³ The DWP also identifies maritime security challenges along the Straits of Malacca and Singapore. Furthermore, Malaysia's National Defence Policy identifies SOM as a “core interest area” as well as a “strategic” SLOC and air route and includes the entrances and exits to SOM and the Straits of Singapore that need to be protected.²⁴ It is a key maritime domain for Malaysia which highlights her rights, duties, and obligations accorded by customary international law and those codified under UNCLOS. As a member of the IMO since 1971, Malaysia has been active in efforts to implement its rules and standards especially regarding generally accepted maritime safety measures and in combating pollution in the Straits of Malacca.²⁵

Significance to Indonesia

While studies on the significance of SOM to Malaysia are mainly based on its strategic location, those in Indonesia give more prominence to its value to the nation as an early trading route for merchant shipping within the concept of archipelago. Adjacent ports to the SOM date to the 19th century and

included Sibolga on the western coast of Sumatra Island. Known as Taipan Nauli, it hosted trade as far as Gujarat, Arabia, and Holland.²⁶ Another prominent port was the Dutch-built Padang Belawan. This corresponds with the writings of Thompson (1993)²⁷ that “Dutch rule in Java has been productive of mutual benefit to the islands and to Holland”.²⁸ Further, the scholar provides that “Acheen was a more important point to fall into the hands of foreign powers, standing as it does at the north-western extremity of Sumatra, and forming, so to speak one of the pillars of the western gate of the Straits of Malacca.”²⁹ In this regard, the SOM has been a critical artery for both trades as well on strategy for the Dutch and their footprints in Southeast Asia.

Additionally, there was close connection with Penang and Pedir, a hinterland on the east coast of Sumatra. Pedir was a predominant producer of pepper and betelnuts that were highly sought by traders. It was replaced by Aceh as one of the key commercial partners with Penang. The straits were also important for shipping, trade, and fisheries and the main route for travellers between Batam, Bintan, and Tanjung Balai Karimun to Singapore or Malaysia.

Indonesia introduced the concept of archipelago in its core policy of “Wawasan Nusantara” that serves as a primary vision bridging the many islands in her vast area.³⁰ This implies that “the sea and the Straits must be utilized to bridge the physical separations between the islands, regions, and manifold ethnic groups.” Indonesia’s interest at sea is incorporated into all her maritime policies and is directly and indirectly based on the concept of an archipelagic state. The Djounda declaration of the archipelago concept includes the Malacca Straits.³¹

Indonesia and Malaysia jointly declared in 1971 that the SOMS are not international waterways, although they fully recognize their use for international shipping in accordance with the UNCLOS principles of “innocent passage”.³² However, as an archipelagic state Indonesia also has the responsibility for managing other straits such as Lombok, Makassar, and Sunda. Indeed, it has been argued that from a national security and strategic standpoint these straits have a much bigger role for Indonesia than the SOM.

Significance to Singapore

Literature of the significance of SOM to Singapore is linked to the value it holds as a trading nation in historical perspectives until its development as key trading hub in Asia today. Singapore’s modern history as a trading nation was established in the 19th century following its founding by Raffles. Other literature dating to as early as the 3rd century refer to Chinese findings of “Pu-luo-chung” perhaps pointing to Pulau Ujong, later known as Temasek.

Scholars allude that Singapore became an entrepot for free trade after it was established as a trading station by Raffles for the East India Company in 1819.³³ The British under Raffles identified Singapore as important trading post to balance the Dutch in Malacca. They had dominated the SOM and Sunda; however, they were more interested in the SOM for their valuable China trade and saw Singapore as a base to protect that trade in times of war and outflank the Dutch at Malacca.³⁴

Singapore views the security provisions in relation to SOM in terms of island defence and contemplates great power involvement in Southeast Asia to avoid domination of any regional state.³⁵ To this end, Singapore prefers the status of the SOM be considered similar to other straits vital for international sea communications. Singapore’s position is that the straits are a vital component of international trade as it serves as a critical link for sea lanes of communication and are of paramount importance to the international community.

It is thus of special interest to Singapore especially since she depends heavily on international trade, that the security governance be comprehensive. Singapore advocates a position of a free flow of traffic via the Straits. According to Singapore’s previous Special Adviser the natural setting of the

straits is as being “locked in all sides by the territorial waters of its neighbouring countries” and that “its only access to the high seas was through the straits”.³⁶

The straits indeed figured at the Third UNCLOS with it being “an important issue at the conference generally and having special relevance to the Southeast Asia region owing to its location”.³⁷ In addition, Singapore’s previous Special Adviser at the Ministry of Foreign Affairs and the President of the Third United Nations Convention on the Law of Sea (1980-82) noted that the “territorial sea regime was one of the most difficult issues which the UN Conference on the Law of the Sea had to grapple with”.³⁸

Singapore diligently safeguards its continued access to sea lanes and defends the transit passage regime in straits used for international navigation. Singapore argues that the Straits of Malacca and Singapore are international straits and freedom of navigation has always been exercised. In that sense, Singapore views that the security of the waterway cannot be handled by any single country and that the littoral and user states, and the international community need to co-operate to ensure security and safety for all legitimate users.

Maritime Security and Governance Approaches

The Proliferation Security Initiative (PSI), a counter-proliferation initiative originating from the United States aimed at preventing the spread of WMDs, in particular its delivery means. The US is a maritime superpower and has an abiding interest in ensuring that strategic waterways such as the SOM are not used for transporting such weapons. The PSI is a maritime security approach bearing a great-power footprint, which in turn has generated distinct approaches by all three littoral states. Singapore pro-actively responded to PSI as it believes that maritime terrorism could disrupt the global supply chain. Malaysia displayed an adaptive approach, only signing the PSI two years after its initiation. Indonesia, on the other hand, rejected the PSI despite being a major SEA partner of the US on counter terrorism.

As opposed to the PSI, the Malacca Straits Patrol (MSP) security governance has been adopted by all three littoral states. It is a mini-lateral maritime security governance initiative involving a small group of littoral states working together to resolve security problems of interest to the international community primarily against piracy and sea robbery. The MSP is the first tri-lateral indigenous maritime security response realistically able to minimise externally induced securitization of the SOM. The goal is to maintain a security initiative that is rooted in the region. Additionally, the MSP has also included Thailand, a country adjacent to the SOM signifying that it is not exclusive to the three littoral states.

ReCAAP is a government-to-government agreement for information sharing and suppress piracy and armed robbery. It arose due to high concerns over piracy and armed robbery against ships transiting the SOM. Despite the critical contribution of ReCAAP in offering detailed coverage beyond the 1982 UNCLOS to address the serious threat of piracy, it has received varying responses from the littoral states. Unlike the fully-supported MSP, only Singapore figures in the ReCAAP security mechanism.

Multiple factors shape the security governance approaches of the littoral states particularly between 1990-2022. This article identified three variables as the response drivers, namely sovereign, economic, and legal interests. The independent variables explain why, how, and what circumstances influence the states’ approaches to governance in the SOM.

Sovereign Interests

Indonesia, Malaysia, and Singapore consider sovereign interest as a key factor in determining their policy choices across all maritime security matters. However, such sovereign interest is independent and based on individual state preferences in serving their national interests. In some cases, responses on sovereign interest are highly influenced by their relationship with external countries. All three states have different strategic priorities with the great powers and also understand the careful consideration needed vis-a-vis their attempt to secure the SOM.

Singapore

Sovereign interest for Singapore is to ensure that the SOM remains open and secure for international shipping. Singapore views the security of SOM as interrelated to global security threats and seeks to avoid domination by any regional state in matters of security. In wanting to treat the SOM like other straits vital for international sea communications, Singapore wants to be proactive in preventing its use for WMD transits and terrorism and to support the PSI, MSP and ReCAAP. These initiatives further strengthen her sovereign interests to keep the SOM open and uninterrupted from threats of WMDs and terrorisms, piracy, and armed robbery.

Moreover, Singapore like other ASEAN member countries, is party to the Southeast Asia Nuclear-Weapon Free Zone Treaty (SEANWFZ) or the Bangkok Treaty since 1995. In addition, all SOM littoral states have commitments towards Non-Proliferation of Nuclear Weapons Treaty (NPT) since 1968. Singapore formally adopted the NPT to strengthen the non-proliferation regime. The country also believes in strong political will and collective efforts towards disarmament and non-proliferation. Given this stand, it is only natural for Singapore to be proactive to other efforts that could support the NPT.

Malaysia

Malaysia's approach to the PSI and MSP is almost similar to Singapore's but differs with Indonesia's cautious response of totally rejecting the PSI. However, Malaysia and Indonesia hold similar positions as being contracting parties to ReCAAP. In responding to the PSI, Malaysia's has leveraged its policy choice on the advantages of the initiative and ensured participation without compromising her sovereign interests. Malaysia's adaptive policy choice towards the security initiatives explains its softer and reasonable stance. Malaysia and the US hold active engagements in strengthening military and defence cooperation as well on maritime security issues.

Conversely, Malaysia's policy on global disarmament nuclear non-proliferation is consistent with the NPT and has pledged to support a nuclear free zone within the Southeast Asian region and beyond. To this end, active engagement on multilateral discourse and action is Malaysia policy orientation (Hasrin Aidid).³⁹ As such, her adaptive response towards the PSI conforms with its policy of multilateral engagement on non-proliferation.

Indonesia

Among the three littorals, Indonesia is the most sensitive towards sovereignty issues and views the PSI as a governing mechanism with much caution. Scholars acknowledge that any foreign-led security mechanism would undermine littoral states' governance in the SOM (Leifer ⁴⁰, Oegroseno ⁴¹ &

Nurhasya⁴²). Despite numerous invitations to join the PSI, Indonesia has remained a non-participant. One reason for this firm position lies in Indonesia's sovereign interests itself, with her then Foreign Minister stating in 2006 that joining the US-dominated initiative could threaten those interests.

Indonesia strongly believes that the security of SOM should be managed by the littorals without much external involvement. According to Indonesian scholars, sovereignty and sovereign rights issues in the straits are matters agreed upon by coastal states and have a strong footing in international law.⁴³ Such issues should prevail over international patrols, and interdictions in areas such as the SOM are inconsistent with those rights and Indonesia will not associate with it. Additionally, the former Chief of the Indonesian Navy said,

The task of guarding Malacca and Singapore Straits is the responsibility of the coastal states, Singapore, Malaysia, and Indonesia...the presence of foreign forces in the context of SLOC protection should be under the request of the coastal states.⁴⁴

Even long before the PSI was introduced, the SOM was of much significance to Indonesia as an archipelago and has extremely critical strategic value. In this context, it is useful to note that Indonesia and Malaysia jointly declared in 1971 that the SOM and Singapore are not international waterways, although they fully recognize their use for international shipping in line with UNCLOS principles of "innocent passage".⁴⁵ Indeed, it has been argued that from national security and strategic standpoints, the straits have a much bigger role for Indonesia. Additionally, scholar, such as Lowry shares similar view stating that Indonesia's *Wawasan Nusantara* reflects the sovereignty of the state and is meant to restrict opportunities for foreign powers as well as give greater depth to her defence.⁴⁶

Indonesia's recognition of maritime terrorism and WMD proliferation and the risks associated with them are shared by Malaysia and Singapore. At the same time, Indonesia's leaders and diplomats view the PSI as a unilateral regime existing beyond international norms. For Indonesia, the presence of foreign forces in the straits would attract terrorists and, as such, any strong US presence and initiatives would be counterproductive to the region.

Indonesia's rejection of the PSI reflects her strong independent policy especially on issues of security. According to Dewi Fortuna Anwar, "*Indonesia has the right to pursue an independent foreign policy with foreign assistance provided only if requested by the littoral states.*"⁴⁷ As such, she could not support the PSI. Besides Dewi Fortuna Anwar, Indonesia's former ambassador and scholar Hasjim Djalal stated that the sovereign interests of Indonesia are not only based on preserving the strategic priorities of the archipelago but also on environmental protection.⁴⁸ In this respect, Indonesia wants external powers like the US to not only address matters of hard security like WMDs but also engage on low hanging issues such as the environmental threats posed by the shipping industry.

The approach by Indonesia and Malaysia is also reflected in their cautious and ambiguous attitude towards the ReCAAP. Their concern over sovereign interests extends to the ReCAAP an initiative led by an external state - Japan. While Japan's assistance to the SOM's littoral states initially focused on controlling oil pollution and later for navigational safety, the changing security scenario in SEA altered her attitude and approach towards the waterway.

Indonesia and Malaysia's reluctance to joining ReCAAP does not mean passivity in addressing regional criminal activities at sea. In principle, Indonesia participates in regional and multilateral efforts in dealing with such issues. These include the government's formal and active participation in the MSP established in 2004, earlier than ReCAAP. Indonesia allocates substantial resources and assets for coordinated patrols in the SOM with the navies and air forces of Malaysia and Singapore. Joining ReCAAP has cost implications for Indonesia as her extensive archipelagic area and limited resources make any new form of cooperation unaffordable.⁴⁹

Indonesia has also expressed frustration at how a regional information centre could produce data for reporting incidents of crimes. According to Indonesia senior official 'One needs to access reports objectively so that they do not portray a picture that leads to the wrong conclusion'.⁵⁰ A longstanding complaint is that even cases of petty thefts are reported as piracy, thus inordinately showing a large number of incidents and not reflective of the actual scenario in the SOM.

Economic Interests

The higher utilisation of the SOM is an indirect impact of the increased dependency on the waterway for merchant shipping. Trade and international shipping through the SOM impact the commercial shipping of many countries. Numerous routes serve the global shipping industry, and the SOM is among the primary sea passages. Economic factors played a critical role in the establishment of the MSP by the littoral states. For them the SOM serves as the "Western Corridor" for Malaysia and is connected to its industrial heartland as many strategic ports are located along the straits.⁵¹ Similarly, Singapore is also dependent on its ports and maritime trade and services along the sea lanes.

The MSP is a security arrangement that has its origins in the region and is designed to allow the littoral states to uphold their sovereign concerns by dealing with security issues themselves. Although not discounting other on-going bilateral security initiatives, the MSP is an ideal mini-lateral confidence-building measure complementing several earlier-established bilateral coordinated patrols. It also creates a sense of security not only for international shipping but also in addressing the littoral states' sovereign interests.

The MSP has made the straits safe for users due to its better-coordinated and robust enforcement, resulting in a drastic decline in the number of attacks against vessels, as shown by the downtrend in armed robbery incidents in the SOM from the previous high rate in 2002. The IMB reported a significant decrease in attacks along the SOM, from 38 in 2004 to 12 in 2005.⁵² This is a positive reflection of the cooperation and efforts undertaken by the littoral states to maintain and enhance security in the area.

Legal Interests

Legal interests and issues of maritime governance in the SOM are interrelated. This is widely covered in the literature on the status of strategic straits including the SOM. In fact, the legal regime governing straits was a key issue in the negotiations of the third UNCLOS 1982. Prominent scholars including Leifer and Nelson, Sien and MacAndrews, George, Dyke, and Beckman) have dealt with the positions of Indonesia, Malaysia, and Singapore vis-à-vis the question of navigation through the straits and the approach of a special legal regime that promotes unimpeded passage and overflight.

Investigations on sovereignty concerns note that the positions of Indonesia and Malaysia provide the basic argument why not all three littoral states have responded in a similar manner to security cooperation. Fundamentally they all disagree on the status of the SOM; in particular, whether it constitutes a strait used for international navigation or is an international strait. Indonesia and Malaysia hold that it is the former, and Singapore, while agreeing to some extent with them, nevertheless stresses that its management should not be localised and that freedom of passage in enshrined for international waterways in UNCLOS 1982.⁵³

Furthermore, Article 43 of UNCLOS provides guidance for the SOM states, user states, and international organisations on how certain issues in the waterway should be approached in promoting safety of navigation and environmental protection.⁵⁴ In this respect, the three littoral states also factor in legal considerations on the security mechanism as safety of navigation corresponds with the overall

security of the SOM.

Conclusion

The SOM has strategic significance for the littoral states of Indonesia, Malaysia and Singapore as the most important waterway between the East and West for international trade and shipping. The geographical position of the SOM continues to feature prominently in contemporary maritime issues especially on security governance. However, the littoral states have varying approaches towards such governance initiatives due to differing priorities on sovereign, economic and legal interests. In particular, the littoral states display a cautious attitude towards any external-led security initiatives such as the PSI and ReCAAP. Simultaneously, they have jointly entered into agreements accepting the indigenous MSP in handling maritime security threats. Cooperation on MSP works among the littorals as their goals are for mutual benefit and protection against securitisation of the SOM.

This comparative analysis informs that the littoral states are particularly concerned on admitting external members into their mechanisms and wary of institutional designs that have external-power footprints. Given this reality, littoral states of SOM adopt indigenous approach towards governance. Indigenous approaches strengthen the littoral states' powers as a means to maximise security. All three littoral states emphasizes that this approach has its advantages in terms of capacity for managing complex security issues involving multiple external power interests in the waterway.

Notes

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